

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DAVID FOLKENFLIK, et al.,

Petitioners,

v.

No. 3:20-mc-0005-K-BT

KIM SAMS,

Respondent.

ORDER

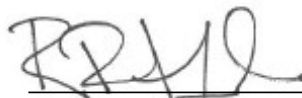
Before the Court is Petitioner David Folkenflik, National Public Radio, Inc., Edith Chapin, Leslie Cook, and Pallavi Gogoi's Rule 45 Motion to Compel Compliance with Subpoena (ECF No. 1), seeking an order compelling non-party Kim Sams, who offices in Plano, Texas, to comply with a November 21, 2019 subpoena to produce documents at a location in Dallas, Texas, issued by the United States District Court for the Eastern District of Texas. The Court issues the following orders with respect to the Motion to Compel:

1. Counsel for Petitioners are ordered to personally serve a copy of their Motion and this Order on Kim Sams, as well as all counsel of record in the underlying litigation in the United States District Court for the Eastern District of Texas, by **February 25, 2020**. Petitioners must file a certificate of service by **February 28, 2020**.

2. Federal Rule of Civil Procedure 45(f) provides that, “[w]hen the court where compliance is required did not issue the subpoena, it may transfer a motion under [Rule 45] to the issuing court if the person subject to the subpoena consents or if the court finds exceptional circumstances.” A court may find exceptional circumstances exist and “transfer may be warranted in order to avoid disrupting the issuing court’s management of the underlying litigation.” Fed. R. Civ. P. 45(f), advisory committee’s note to 2013 amendment. Accordingly, the Court ORDERS Petitioners and Kim Sams to file a response to this Order by **March 13, 2020**, explaining their views on whether the Motion to Compel should be transferred under Rule 45(f) to the United States District Court for the Eastern District of Texas and resolved in connection with the underlying action, *Butowsky v. Folkenflik, et al.*, 4:18-cv-00442-ALM (E.D. Tex.).
3. Should the Court determine transferring the Motion to Compel under Rule 45(f) is improper, Kim Sams must file her response to the Motion to Compel by **March 20, 2020**, and Petitioners must file any reply in support of their Motion by **March 27, 2020**.

SO ORDERED.

February 18, 2020.



REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE